IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

VULCAN GOLF, LLC, JOHN B. SANFILIPPPO & SONS, INC., BLITZ REALTY GROUP, INC., and VINCENTE E. "BO" JACKSON, Individually And On Behalf Of All Others Similarly Situated,	)	Case No. 07 CV 3371
Lead Plaintiffs,	)	The Honorable Blanche M. Manning
v.	)	Magistrate Judge Geraldine Soat Brown
GOOGLE INC., OVERSEE.NET, SEDO LLC, DOTSTER, INC., AKA REVENUEDIRET.COM INTERNET REIT, INC. d/b/a/ IREIT, INC.; and JOHN DOES I-X,	)	
Defendants.		

DEFENDANTS' AGREED MOTION FOR LEAVE TO FILE DEFENDANTS' SURREPLY IN OPPOSITION TO PLAINTIFFS' MOTION FOR CLASS CERTIFICATION IN EXCESS OF PAGE LIMITATION

Defendant Google Inc., ("Google"), by and through its attorneys, and on behalf of Defendants Oversee.Net, Sedo LLC, Dotster, Inc., and Internet Reit, Inc., respectfully moves this Court for leave to file Defendants' Surreply in Opposition to Plaintiffs' Motion for Class Certification in excess of the page limit stated in Rule 7.1 of the Local Rules for the Northern District of Illinois. In support of this motion, Defendant Google states as follows:

1. On September 25, 2008, Plaintiffs filed their reply brief in support of class certification. (Dkt. 217.) Simultaneously, Plaintiffs filed a motion requesting leave to file their reply brief in support of class certification in excess of the page limitation. (Dkt. 218.) Specifically, Plaintiffs requested that they be permitted to file an oversized brief that would not exceed 28 pages. Defendants did not oppose this request. The Court granted Plaintiffs' motion October 8, 2008. (Dkt. 224.)

Dockets.Justia.com

2. Plaintiffs' reply brief raised a number of complex issues. Indeed, on September 29, 2008, the Court directed Defendants to file a consolidated surreply to Plaintiffs' motion for class certification. (Dkt. 221.) Additionally, on October 1, 2008, the Court asked Plaintiffs to file a statement clarifying their position, which they did on October 2, 2008. (Dkt. 222 and Dkt. 223, respectively.) As a result of the complexity of Plaintiffs' motion, Defendants seek leave to file their consolidated surreply brief in excess of the page limitations set forth in Local Rule 7.1 so that they may be able to properly respond to Plaintiffs' motion and address the arguments against class certification. Defendants intend to file a brief within a 25-page limitation.

3. Defense counsel contacted Plaintiffs' counsel, Mark Bulgarelli, who reported that Plaintiffs agree to the Defendants' request for additional pages.

WHEREFORE, for the foregoing reasons, Defendant Google Inc., respectfully requests that the Court grant Defendants leave to file their Surreply Opposition to Plaintiffs' Motion for Class Certification in excess of the page limit stated in Rule 7.1 of the Local Rules for the Northern District of Illinois, up to 25 pages.

Respectfully submitted,

GOOGLE INC.

By: /s/ Mariah E. Moran
One of Google Inc.'s Attorneys

Joseph J. Duffy
Jonathan M. Cyrluk
Mariah E. Moran
Stetler & Duffy, Ltd.
11 South LaSalle Street
Suite 1200
Chicago, Illinois 60603
jduffy@stetlerandduffy.com
cyrlukj@stetlerandduffy.com
mmoran@stetlerandduffy.com

CERTIFICATE OF SERVICE

I, Mariah E. Moran, an attorney, hereby certify that on October 15, 2008, Defendants' Agreed Motion for Leave to File Defendants' Surreply in Opposition to Plaintiffs' Motion for Class Certification In Excess of Page Limitation was served on counsel of record via the court's CM/ECF electronic filing system.

/s/ Mariah E. Moran
Moran E. Moran

Joseph J. Duffy
Jonathan M. Cyrluk
Mariah E. Moran
Stetler & Duffy, Ltd.
11 South LaSalle Street
Suite 1200
Chicago, Illinois 60603
jduffy@stetleranddduffy.com
cyrlukj@stetleranddduffy.com
mmoran@stetleranddduffy.com